



**THE CORPORATION OF THE
TOWN OF MIDLAND**

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**Minutes of the Regular Meeting of Council with Closed Session held on Monday,
November 28, 2016 at 5:30 p.m. in the Municipal Office Council Chambers.**

Present: Mayor McKay Deputy Mayor Ross, Councillors G. MacDonald,
J. Main, J. Contin, G. Canning, C. Oschefski, P. File and S. Strathearn

Also Present: Director of Corporate Services/Clerk/Deputy CAO, A. Fay
Director of Human Resources/Health & Safety, G. Green (item i)a)
Director of Finance/Treasurer, S. Turnbull

Special Guests: R. Blackstein, Solicitor at Borden Ladner Gervais LLP (item i)b)

1. CALL TO ORDER

Mayor McKay called the meeting to order at 5:30 p.m.

The Mayor then asked the Clerk to provide information regarding notice of the meeting. The Clerk advised that the meeting agenda was posted on the Town's website in advance of the meeting in accordance with the Town's Procedural By-law.

Mayor McKay asked Council if they had any concerns with moving into a closed session based on the purpose of the meeting.

There were no concerns brought forward.

2. DECLARATIONS OF PECUNIARY INTEREST

No declarations were made.

3. CLOSED SESSION

a) Motion to move into closed session

Moved by G. MacDonald

Seconded by M. Ross

That Council move into closed session;

And further that this portion of the meeting be closed to the public pursuant to section 239 of the *Municipal Act*, 2001, as indicated;

- **Subsection 2 (b)**
Personal matters about an identifiable individual

Subject matter

- Committee of Adjustment Appointments

- **Subsection 2 (c)**
Potential Acquisition or Disposition of Land

Subject matter
- MPUC Update
- **Subsection 2 (d)**
Labour Relations or Employee Negotiations
- **Subsection 2 (f)**
Advice that is subject to Solicitor-Client Privilege

Subject Matter
-Benefits Coverage

CARRIED.

i) Closed Session Items

a) Benefits Coverage

Council received for information a confidential letter from S. Jeronimo, Solicitor dated November 26, 2016 regarding recent changes associated with benefits coverage.

The Director of Human Resources/Health and Safety responded to a number of questions related to the confidential letter.

Following discussion the Director advised that further information would be provided to Council during an upcoming Closed meeting.

b) MPUC – Update

Council reviewed a number of confidential documents from M. Rodger, Solicitor related to the Request for Proposal for the Midland Power Utility Corporation.

R. Blackstein attended the meeting via a conference call and responded to a number of questions brought forward by Council.

Following discussion staff was directed to prepare the appropriate motion for consideration during the open session.

c) CL-2016-50 Appointments – Committee of Adjustment

Report dated November 23, 2016, from K. Desroches, Deputy Clerk.

Following a brief discussion staff was directed to prepare the appropriate motion for consideration during the open session.

- ii) Motion to rise to open session

Moved by G. MacDonald

Seconded by M. Ross

**That this Closed Meeting of Council be adjourned at 6:49 p.m.
and that Council now rise and report to open session.**

CARRIED.

4. OPEN SESSION – 7:00 P.M.

Now Present: Mayor G. McKay, Deputy Mayor M. Ross, Councillors G. Canning, P. File, G. MacDonald, J. Main, C. Oschefski, J. Contin and S. Strathearn

Also Present: Director of Corporate Services/Clerk/Deputy CAO, A. Fay
Director of Finance/Treasurer, S. Turnbull
Director of Planning and Building Services, W. Crown
Marketing and Communications Coordinator, S. Cooper
Municipal Law Enforcement Officer, J. Reichheld

- i) Motions arising from closed session discussions

- a) MPUC – Update

Moved by G. MacDonald

Seconded by S. Strathearn

That further to the MPUC update Council directs staff to proceed with the approved Request for Proposals and Confidential Information Memorandum for a sale transaction and related Share Purchase Agreement as presented by legal Counsel during the Closed meeting.

CARRIED.

- b) CL-2016-50 Appointments – Committee of Adjustment

Moved by G. MacDonald

Seconded by S. Strathearn

That, further to Report CL-2016-50 dated November 23, 2016, and related discussions that occurred at the Closed Meeting session held November 28, 2016, Council herein confirms the appointment of Frieda Baldwin and Roisin White to the Committee of Adjustment effective January 1, 2017 for a term to expire November 30, 2018.

CARRIED.

5. CONSENT AGENDA

Adoption of recommendations as set out on the Consent Agenda for the Regular Meeting of Council held on November 28, 2016.

Moved by M. Ross

Seconded by G. MacDonald

That Council adopt the recommendations as set out on the Consent Agenda for the Regular Meeting of Council held November 28, 2016.

CARRIED.

6. PRESENTATION

a) Certificates of Commendation

Mayor McKay presented Certificates of Commendation to Mr. D. Heels and Mr. D. Yorke for their act of heroism on September 12, 2016, when they noticed smoke coming from a nearby building, called 911 and removed an occupant from the basement level apartment. Their actions saved a Midland resident.

7. DEPUTATIONS

a) Second Units – Framework By-laws

Mr. S. Walma, North Simcoe Housing Working Group, provided Council with a PowerPoint presentation that highlighted the importance of second units being part of the Town's affordable housing solution and also provided framework by-laws to encourage more second units. He requested that the Town review any by-laws related to Second Units and ensure that they have not created an unintended barriers to developing second units within the Town.

b) Broadband Gap Analysis Request

Mr. C. McLaughlin, General Manager, North Simcoe Community Futures Development Corporation (NSCFDC), and Mr. D. O'Shea, ICT Coordinator, Township of Tay, provided Council with an overview of the current internet connectivity issues in Midland and surrounding municipalities. They spoke to the Broadband Gap Analysis project as being the first step in securing funding for potential broadband infrastructure. They requested that Council provide a \$12,000 contribution to cover 1/5 of the total project cost.

Following discussion it was then,

Moved by S. Strathearn

Seconded by C. Oschefski

That Staff be directed to forward the \$12,000 funding request from NSCFDC related to a Broadband Gap Analysis study to the 2017 draft budget for consideration.

CARRIED.

c) Black Light ISS

Mr. R. Stacey, private security and investigator, provided Council with a presentation regarding his business and their ability to be contracted by the Town or the Midland Police Service to provide certain police duties and/or security for special events.

Members of Council recommended the Mr. Stacey contact the Midland Police Service regarding a potential presentation.

8. PETITION

a) Planting of Front Yard Trees

Council received as information the petition that was signed by 36 property owners on Cook Drive and Simcoe Boulevard indicating their opposition to the planning of trees in their front yard.

9. ACCOUNTS

a) General Accounts

**Moved by J. Contin
Seconded by P. File**

That the accounts for the month of October 2016, totalling \$2,265,227.63 be approved and confirmed as paid.

CARRIED.

10. REPORTS

To be referred to the Chair of General Committee of Council – Deputy Mayor Ross

a) General Committee Report 2016-9 of its meeting held November 14, 2016

- 1) OP-2016-029 Variable Frequency Drive (VFD) Controllers for Aerator Motors at the Wastewater Treatment Centre - Request to Sole Source Purchase from Hollen Controls
(Reference Section A, Item #1, of the above Report)

**Moved by J. Contin
Seconded by G. Canning**

That, further to Report OP-2016-029 dated November 9, 2016, Council authorize Wastewater Operations to sole source the purchase and installation of six (6) new Variable Frequency Drive (VFD) Controllers for the aerator motors at the Wastewater Treatment Centre from Hollen Controls Limited.

CARRIED.

- 2) CAO-2016-9 Midland Forward
(Reference Section B, Item #1, of the above Report)

Moved by J. Contin
Seconded by P. File

THAT the Report CAO-2016-9 entitled “MIDLAND FORWARD” presented by the Chief Administrative Officer dated November 4, 2016, be received; and

THAT Council endorses the assignment of the Corporate Champions in relation to the 2014 – 2018 Strategic Plan Priorities, as noted in the Report “MIDLAND FORWARD” and that Council commits to re-engaging with Administration in a workshop setting to provide the appropriate clarity on the expectations and outcomes for the various initiatives identified within the Strategic Plan Priorities; and

THAT the Director of Finance/Treasurer, be instructed to reflect the organizational changes as noted in the report within the 2017 Budget presentations; and

THAT the Chief Administrative Officer be authorized to re-engage Council and the Senior Management Team for the purpose of establishing a Corporate Mission, Vision and Values exercise; and

THAT the Chief Administrative Officer be authorized to proceed early in 2017 with the proposed SERVICE DELIVERY REVIEW PROJECT (SERVING MIDLAND) for the purpose of creating the foundation for a continuous improvement and customer service excellence program; and

THAT the concept of the proposed PERFORMANCE EXCELLENCE PROGRAM (PEP) be approved in principal with the intent that a future implementation report be presented by the Director of Human Resources and the Chief Administrative Officer before the end of the 2nd Quarter of 2017; and

THAT the Director of Corporate Services/Clerk/Deputy CAO be directed to undertake a review of the Procedural By-law 2010-42, as amended, and the Terms of Reference for all existing Town Committees. This work to be supported by a Council ad hoc committee of 3 – 4 members which will report back on the proposed changes to Council not later than the end of the 3rd Quarter of 2017; and

THAT the Chief Administrative Officer be directed to report on the progress and impact of these proposed changes no later than the 3rd Quarter of 2017.

CARRIED.

- 3) CAO-2016-10 Midland Power Utility Corporation "MPUC" Lease Agreement
(Reference Section B, Item #2, of the above Report)

**Moved by J. Contin
Seconded by P. File**

That, further to report CAO-2016-10 dated October 27, 2016, staff be directed to bring forward the draft lease agreement with the Midland Power Utility Corporation "MPUC" and related By-law to the November Council Meeting for consideration.

CARRIED.

- 4) CL-2016-44 Municipal Office Hours – Christmas Break 2017
(Reference Section 4, Item #3, of the above Report)

**Moved by J. Contin
Seconded by P. File**

That, further to Report CL-2016-44 dated October 13, 2016, the Municipal Office be closed on December 25, 2017, and re-open on January 2, 2018.

CARRIED.

- 5) CL-2016-45 December Parking in the Downtown
(Reference Section B, Item #4, of the above Report)

**Moved by J. Contin
Seconded by P. File**

That, further to Report CL-2016-45 dated October 27, 2016, free parking at the meters be continued for the entire month of December, 2016 with an enforced 3-hour limit;

And further that any receipts collected at the meters during December be retained to the future benefit of the parking system;

And further that staff be directed to notify the BIA and to advertise the free parking on Facebook, Twitter, the Town's website, in the Town page and by way of signage on the meters.

CARRIED.

- 6) CL-2016-48 Municipal Elections Act Amendments
(Reference Section B, Item #5, of the above Report)

Moved by J. Contin
Seconded by P. File

That, further to Report CL-2016-48 dated November 7, 2016, Council receive for information the Municipal Election Act Amendments Staff Report;

And further that staff be directed to contact the Ministry of Municipal Affairs to arrange a presentation to Council at a future meeting regarding ranked ballots;

And further that the Clerk be directed to prepare a further report regarding alternate voting methods.

CARRIED.

- 7) TR-2016-15 Library Reserves
(Reference Section B, Item #6, of the above Report)

Moved by J. Contin
Seconded by P. File

That, further to Report TR-2016-15 dated November 7, 2016, the administration of all Library Reserves and Reserve Funds remain with the Town of Midland managed by Finance.

CARRIED.

- 8) Annual YMCA Huronia ½ Marathon – Run for the Chicken
(Reference Section B, Item #7, of the above Report)

Moved by J. Contin
Seconded by P. File

That, further to letter dated October 19, 2016, permission be granted in principle, to the Midland YMCA to conduct their annual YMCA Huronia 1/2 Marathon – Run for the Chicken on Sunday, April 30, 2017, as per the schedule and route provided, subject to approval of the related Special Events application.

CARRIED.

It was then,

Moved by M. Ross
Seconded by G. MacDonald

That General Committee Report 2016-9 of its meeting held November 14, 2016, be adopted as printed and circulated.

CARRIED.

To be referred to the Chair of Planning Matters – Councillor G. Canning

- b) Planning and Development Committee Report 2016-10
Meeting held November 2, 2016.

Moved by G. Canning
Seconded by J. Contin

That Report 2016-10 of the Planning and Development Committee of Council Meeting held November 2, 2016, be adopted as printed and circulated.

CARRIED.

- c) Council Committee Appointments

Council received a verbal report from the Clerk regarding the related appointments by-law that would be brought forward later in the meeting for consideration.

Following discussion, staff was directed to remove Councillor Contin from the Seniors Council and Councillor Oschefski from the Severn Sound Sustainability Plan Steering Committee and leave both of those spots vacant until a replacement is determined. (By-law 2016-82)

- d) Three-Hour Free Parking at Meters

Council received a verbal report from the Municipal Law Enforcement Officer regarding the need to pass a motion to amend the parking by-law to provide for the three hour free parking at the meters for the month of December, following which it was then,

Moved by J. Contin
Seconded by P. File

That Schedule “F” to by-law 2010-76 be amended and indicated below to reflect the 3 hour free parking in the downtown area between December 1, 2016 and December 31, 2016.

Time Limit Restriction December 1, 2016 to December 31, 2016 inclusive, within the following boundaries

Yonge Street on the south		3 hours	Monday to Friday, 9:00 am to 5:00 pm excluding statutory holidays	
Midland Avenue on the		3 hours	December 1, 2016 to December 31, 2016, inclusive.	
First Street on the west		3 hours		
Bayshore Drive on the		3 hours		

And Further That Schedule “I” to by-law 2010-76 be amended as indicated below to reduce the maximum time allowed on a parking meter to zero “0” hours between December 1, 2016 and December 31, 2016.

COLUMN 1 HIGHWAY	COLUMN 2 SIDE	COLUMN 3 BETWEEN	COLUMN 4 FEES	COLUMN 5 MAX PERIOD PERMITTED	COLUMN 6 TIME OR DAYS	COLUMN 7 RESOLUTION
King Street	East	Yonge Street to Bay Street	\$0.00 per hour	0 hours	Monday to Fridays, excluding statutory holidays, from 9:00 a.m. to 5:00 p.m. December 1, 2016 to December 31, 2016 inclusive	
King Street	West	Yonge Street to Bay Street	\$0.00 per hour	0 hours		
First Street	West	Bay Street to Dominion	\$0.00 per hour	0 hours		
First Street	East	Dominion Avenue to Hugel	\$0.00 per hour	0 hours		
First Street	West	Dominion Avenue to Hugel	\$0.00 per hour	0 hours		
First Street	East	Hugel Avenue to Easy	\$0.00 per hour	0 hours		
First Street	West	Hugel Avenue to Easy	\$0.00 per hour	0 hours		
Elizabeth Street	North	First Street to Midland	\$0.00 per hour	0 hours		
Elizabeth Street	South	First Street to Midland	\$0.00 per hour	0 hours		
Midland Avenue	West	Elizabeth Street to Bay	\$0.00 per hour	0 hours		
Midland Avenue	East	Elizabeth Street to Bay	\$0.00 per hour	0 hours		
Bay Street	North	Midland Avenue to Second	\$0.00 per hour	0 hours		
Bay Street	South	Midland Avenue Second	\$0.00 per hour	0 hours		
Dominion	North	First Street to Midland	\$0.00 per hour	0 hours		
Dominion	South	Second Street to Midland	\$0.00 per hour	0 hours		
Hugel Avenue	North	Second Street to Midland	\$0.00 per hour	0 hours		
Hugel Avenue	South	Second Street to Midland	\$0.00 per hour	0 hours		

CARRIED.

e) By-law 2016-85

Council received a verbal report from the Clerk indicating that the by-law previously passed by Council being By-law 2016-71 related to the matter of accommodating a storm drainage emergency overflow channel needs to be rescinded to allow for proper registration. A new by-law has been prepared for Council's consideration later in the meeting. (By-law 2016-85)

f) CL-2016-51 Release of Easement being Part 1 on 51R-40657 (Taylor Drive)

Council reviewed a report dated November 21, 2016, from A. Fay, Director of Corporate Services/Clerk/Deputy CAO, recommending that the draft by-law to release a portion of an easement being Part 1 on 51R-40657 be brought forward for Council's consideration. (By-law 2016-86)

11. CONSENT BY-LAW

Moved by S. Strathearn
Seconded by C. Oschefski

That leave be granted to introduce the following by-law:

By-law 2016-82 To establish the Standing Committees along with their Terms of References, to confirm appointments thereto, and to confirm appointments to Advisory Committees, Local Boards and various other external Committees, and to repeal By-law 2015-83 as amended.

By-law 2016-83 Lease/Service Agreement - Midland Power Utility Corporation and to repeal By-law 2008-73.

By-law 2016-85 Easement Agreement with 1646551 Ontario Incorporated to accommodate a Storm Drainage Emergency Overflow Channel and to rescind By-law 2016-71.

By-law 2016-86 Partial release of easement located at Part of Lot 32, Plan 51M-971 more particularly described as Part 1 on 51R-40657 (Taylor Drive).

CARRIED.

It was then,

Moved by S. Strathearn

Seconded by C. Oschefski

That By-laws 2016-82, 2016-83, 2016-85, and 2016-86, be read a first, second and third time and finally passed.

CARRIED.

It was then,

Moved by S. Strathearn

Seconded by J. Main

That leave be granted to introduce By-law 2016-84 being a by-law to designate Lot 2, Plan 306, municipally known as 310 Fifth Street, as being of Cultural Heritage Value or Interest.

CARRIED.

It was then,

Moved by S. Strathearn

Seconded by J. Main

That By-law 2016-84 be read a first, second and third time and finally passed.

CARRIED.

12. GENERAL BUSINESS

1) Notice of Motion

a) New Proposed Sunnyside Neighbourhood Park

Councillor S. Strathearn advised Council that he would be bringing forward a motion to the December Council meeting related to the process of considering a park in the Sunnyside area.

13. CONFIRMATORY BY-LAW

1) By-law 2016-87

A by-law to adopt the proceedings of the Council Meeting held on November 28, 2016, and to authorize its execution.

Moved by S. Strathearn

Seconded by J. Main

That leave be granted to introduce By-law 2016-87, being a by-law to adopt the proceedings of the Council Meeting held on November 28, 2016, and to authorize its execution.

CARRIED.

It was then,

Moved by S. Strathearn

Seconded by J. Main

That By-law 2016-87 be read a first, second and third time and finally passed.

CARRIED.

14. ADJOURNMENT

Moved by M. Ross

Seconded by G. MacDonald

That this Regular Meeting of Council adjourn at 9:12 p.m.

CARRIED.

A. Fay, Director of Corporate Services/Clerk/Deputy CAO